

FILED

RECEIVED

MARC E. O'DELL
CDC NO. F-06395
S.Q.S.P.
SAN QUENTIN CA. 94964

JUL 28 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLERK FOR THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
P.O.BOX 36060 SAN FRANCISCO CA. 94102

RE: EXTENTION OF TIME CASE NO. C 08-0756 CRB (PR)

SIR/MS; THERE IS ALOT OF CONSTRUCTION GOING ON HERE, AND THE
ADMINISTRATION OFFICE HERE CLOSES THE LIBRARY VERY OFTEN, WHICH
HAS KEPT ME FROM EVERYTHING THAT I AM ATTEMPPING TO FINISH LEGALLY.

FUTHER, SEE ATTACHMENTS OF MY 602'S THAT WILL EXPLAIN ALL OF
MY FRUSTRATIONS WITH THIS SYSTEM, SPECIALLY MY 602 DATED 05/30/08,
PAGE THREE, 'LEGAL & REGULAR LIBRARY PROCEDURES', WHICH IS TOTALLY
ILLEGAL AND AGAINST MY 'DUE PROCESS OF LAW' RIGHTS. ALSO, SEE 602
DATED 08/17/07, PAGE THREE, 'PASS SYSTEM', AGAIN A VIOLATION OF MY
'DUE PROCESS OF LAW' RIGHTS.

SINCE WRITING MY LAST 602, THE FOLLOWING ARE THE DAYS THAT THIS
LIBRARY HAS BEEN CLOSED: ON JUNE 24, 25 CLOSED BECAUSE OF SMOKE IN
THE AIR. ON JUNE 30 CLOSED BECAUSE OF NO FREE STAFF TO OPEN LIBRARY
WITHOUT WORKING A TRIPLE SHIFT. ON JULY 1 CLOSED (NO REASON GIVEN).
ON JULY 3 CLOSED (NO REASON GIVEN). FROM JULY 3 TO 7 CLOSED BECAUSE
OF LOCK DOWN OF ALL WHITE INMTES IN H-UNIT WHERE I LIVE. ON JULY 15
CLOSED BECAUSE OFFICER IN DORM DID NOT CALL FOR THE SIGN UP LIST,
WHICH IS PART OF 'LEGAL & REGULAR LIBRARY PROCEDURES', THAT MAKES
IT IMPOSSIBLE FOR 90% OF ALL INMATES TO HAVE ACCESS TO SAID LIBRARY,
BECAUSE ONLY INMATES WITH PROOF OF A COURT DATE FOR FILING MOTIONS
ARE EVEN ALLOWED TO GO TO THE LIBRARY, ON ANY DAY. ON JULY 19, BE-
CAUSE OF CONSTRUCTION, THE POWER WAS TURNED OFF, AND FOR SOME REASON
THE LIBRARY WAS CLOSED IN THE EVENING. ON JULY 22 CLOSED, BECAUSE
OF NO FREE STAFF TO KEEP IT OPEN WITHOUT WORKING A THIRD SHIF.

SIR.MS, FOR THE ABOVE REASONS, WHICH IS JUST PART OF THE TIMES
THAT THIS LIBRARY WAS CLOSED, I REQUEST AT LEAST A 60 DAY CONTINUANCE
TO PUT MY LEGAL MATTERS IN ORDER.

DATED; JULY 23, 2008

ALWAYS,
MARC E. O'DELL

DECLARATION OF SERVICE BY MAIL

I, RANDY MALUENDA, the undersigned, declare:

Printed Name of Declarant

I am over the age of 18 years, a citizen of the United States of America, and am not a party to the cause within. My residence address is:

CDC No. C-12906 Housing 2-N-25 U
San Quentin State Prison
San Quentin, CA 94974

On JULY 23, 2008, I served the following document(s):

ONE PAGE LETTER TO CLERK FOR THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF CALIFORNIA FROM MARC E. O'DELL,
REQUESTING AN EXTENTION OF TIME IN CASE NO. C 08-0756 CRB (PR).

on the parties and at the addresses described below by placing the pleadings in a sealed envelope, with postage fully prepaid, and presented said item(s) to Corrections Department staff for mailing in the United States Mail as per the rules and regulations governing outgoing legal mail at San Quentin State Prison.

CLREK FOR THE UNITED STATES DISTRICT COURT OF THE NORTHERN DISTRICT
OF CALIFORNIA, 450 GOLDEN GATE AVENUE, P.O. BOX 36060, SAN FRANCISCO
CALIFORNIA, 94102

I swear under penalty of perjury that the foregoing is true of my own personal knowledge. Executed on this 23 day of JULY, 2008, at San Quentin, CA, County of Marin.

Signature of declarant

Attachment 6-2.

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

SQ

07-3804

10

1 _____

2 _____

3 _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
O'DELL, MARC	F-06395	FURNISHER ASSEMBLING	5-H-59L

A. Describe Problem: TODAYS DATE IS 09-07-2007, AND I STILL HAVE NOT RECEIVED A REPLY TO THE 602 I SENT TO THE APPEALS COORINATOR OFFICE ON OR ABOUT 08-09-2007, CONCERNING THE CALIFORNIA CODE OF REGULATIONS TITLE-15, SECTION 3165 (a0, (b), (c), (d) BEING WITHHELD FROM ME. THE AFORE MENTIONED BEING RELATED TO MY RIGHT TO HAVE ACCESS TO THE SAN QUENTIN LAW LIBRARY, AND TO NOT BE ISSUED A LIBRARY PASS OR BE ON A LIBRARY LIST. THE ABOVE 602 HAD AN ATTACHMENT A-1. ATTACHED TO IT, AND A FOOTNOTE OUTLINE OF THREE CASE LAW 1.) UNITED STATES V. NIXON. 2.) ATKINS V. RIVERA, AND CALDWELL V. MILLER. I request a log number and I request it to be written on this form, none of my 602's have my requested log numbers written on the forms, so I do not know which is which. If you need more space, attach one additional sheet.

B. Action Requested: THAT THE ABOVE 602 BE HEARD IN A TIMELY FASHION AND THE RULES TO THE LAW LIBRARY BE AJUSTED TO INMATES ON MAIN LINE AS IT IS IN THE REST OF SAN QUENTIN STATE PRISON.

Inmate/Parolee Signature:

Paul de Lai

SEP 13 REC'D

Date Submitted: 09-07-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Bypass

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

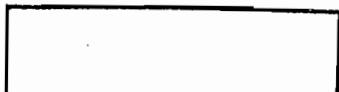
Bypass

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



First Level

 Granted P. Granted Denied Other

SEP 13 2007

Due Date:

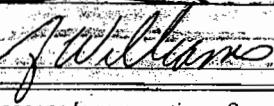
OCT 26 2007

E. REVIEWER'S ACTION (Complete within 1.5 working days): Date assigned:

Interviewed by: INMATE O'DELL WAS INTERVIEWED ON SEPTEMBER 24, 2007, AND EFFECTIVE COMMUNICATION WAS ESTABLISHED. INMATE O'DELL'S INMATE APPEAL WAS ADDRESSED IN A TIMELY MANNER AND THE POLICY REGARDING THE LAW LIBRARY USE BY H-UNIT INMATES HAVE BEEN RE-ADJUSTED TO CONFORM WITH NORTH BLOCK (MAINLINE) GENERAL POPULATION. THE LEGAL LAW LIBRARY STAFF WILL CONTROL THE NUMBER OF MAINLINE INMATES THAT WILL BE ALLOWED TO UTILIZE THE LAW LIBRARY. INMATE O'DELL INDICATED HE WAS SATISFIED WITH THIS RESPONSE AND HAD NO OTHER CONCERNS.

Staff Signature: Title: LTDate Completed: 9/21/07

Division Head Approved:

Signature: Title: PAW(A)

Returned:

Date to Inmate: 9/21/07

SEP 25 RECD

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Second Level

 Granted P. Granted Denied Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

 See Attached Letter

Signature: _____

Date Completed: _____

Warden/ Superintendent Signature: _____

Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections

P.O. Box 942883

Sacramento, CA 94283-0001

Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: Granted P. Granted Denied Other See Attached Letter

Date: _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

ID

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

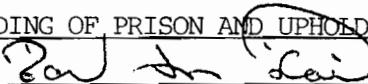
NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
O'DELL, MARC	F-06395	P.I.A. FURNISHER ASSEMBLER	5-H-59L

A. Describe Problem: ON OR ABOUT OCT. 01, 2007 THE SAN QUENTIN PRISON LIBRARY AND LAW LIBRARY CLOSED AND MOVED TO A BUILDING HALF ITS ORIGINAL SIZE, IT WAS CLOSED APPROXIMATELY ONE MONTH. SAID LIBRARY EMPLOYEE JOHN DANENBURG, IN ~~THE~~ THE MONTH PRIOR TO ITS CLOSING, WAS TOLD THAT SAID LIBRARY WAS GOING TO CLOSE IN THAT MONTH, AND HE TOLD INMATES OF THE DATE, WHICH WAS POSTPONED. THIS POSTPONEMENT CAUSED SAN QUENTIN 13 WALL GATE OFFICERS AND MYSELF TO BE CONFUSED ON WHEN SAID LIBRARY WAS OPENED IN THE MONTH OF SEPT. 2007. THEREFORE, SAID PRISON H-UNIT HAD LITTLE ACCESS TO THE LIBRARY IN THIS MONTH. THIS CAUSED ME TO MISS A DEADLINE TO FILE A LATE TORT CLAIM FORM REQUEST WITH BUTTE COUNTY TO EXHAUST MY STATE REMEDIES.

If you need more space, attach one additional sheet.

SEE ATTACHMENT A-1.

B. Action Requested: H-UNIT AND RANCH INMATES BE ALLOWED THE SAME LIBRARY ACCESS AS MAIN LINE INMATES, AND THAT NO PASS SYSTEM BE PLACED ON H-UNIT INMATES AS A RESTRICTION. FUTHER, THAT THE LIBRARY BE OPENED ITS FULL ALLOTTED AMOUNT OF TIME, AND THAT A BUILDING BE FOUND TO ACCOMADATE OVERCROWDING OF PRISON AND UPHOLD U.S. FOURTHTEENTH ADMENDMENT RIGHTS OF INMATES.

Inmate/Parolee Signature: 

JUN 03 REC'D

Date Submitted: 05/30/08

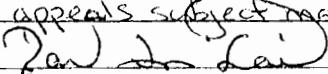
C. INFORMAL LEVEL (Date Received: _____)

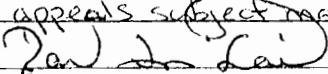
Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I am dissatisfied that informal level was not responded to for the reason of "excessive attachments", because inmates access to a law library is a serious matter that should be addressed, and all attachments in this appeal are relate to this appeals subject matter of denied access to said law library. See attachment 

Signature: 

Date Submitted: 06/26/2008

CDC Appeal Number: _____

Note: Property/Funds appeals must be accompanied by a completed
Board of Control form BC-1E, Inmate Claim

ATTACHMENT A-1.:

THE ABOVE VIOLATIONS OF H-UNIT ADMINISTRATIVE LIBRARY ORDERS HAVE BEEN OPERATING IN SAID H-UNIT SINCE I ARRIVED FEB. 10, 2005 UNTIL NOW.

FURTHER VIOLATION ARE: 13 WALL GATE MEMO MAY 2008, STATES THAT H-UNIT INMATES, TO HAVE ACCESS TO LIBRARY, NEED TO SIGN FOR A 'PASS' AT 945 HOURS, PICK UP 'PASS' AT 1245 HOURS, AND LEAVE AT 1300 HOURS TO LIBRARY. A LIBRARY THAT OPENS AT 1230 HOURS TO MAIN LINE INMATES WHO DO NOT NEED A "PASS".

FURTHER VIOLATION: ON OR ABOUT APRIL 01, 2008 SAID ADMINISTRATION OFFICE DEMANDED THAT ALL H-UNIT INMATES SIGN A "LIST" IN THEIR DORM TO HAVE ACCESS TO LIBRARY, AND "ONLY FOUR INMATES PER DAY CAN HAVE ACCESS TO SIGN LIST".

FURTHER VIOLATION": SIGN POSTED IN 13 WALL GATE WINDOW THAT STATES, AND I QUOTE, ' NO LIBRARY ON WEEKEND 620 H-UNIT', END QUOTE. THIS RESTRICTS ALL INMATES WHO WORK DURING THE WEEK FOR ACCESS OF LIBRARY.

FURTHER VIOLATION: ON OR ABOUT MAY 20, 2008 SAID LIBRARY CLOSED UNTIL MAY 29, 2008 SO A BUILDING AND ITS FOUNDATION COULD BE ERECTED NEXT TO SAID LIBRARY, BUT THERE WAS NOT A GOOD REASON TO CLOSE SAID LIBRARY, BECAUSE A FENCE WAS ERRECTED TO BLOCK ACCESS TO THE WORKERS SITE, WHICH LIBRARY EMPLOYEES USED TO GO TO THE LIBRARY DURING ITS SAID CLOSING. THIS PLACED ME NINE DAYS BEHIND IN FILING MOTIONS, RESEARCH OF LAW, LETTER TO COURT, 602 APPEAL PROCESS ETC.

FURTHER, IN PLATA VS. SCHWARZENEGGER THE SAID OVERCROWDING ISSUE IS ADDRESSED, AND THIS APPEAL CONTENDS THAT THE ABOVE CASE SHOULD INCLUDE THIS PRISON OVERCROWDING PERTAINING TO THE SIZE OF IT'S LIBRARY AND LAW LIBRARY AND THE SUPPLIES IT IS GIVEN, IN THE FORM OF LAW BOOKS, AND MATERIALS TO CONDUCT LAW RESEARCH AND WRITE MOTIONS TO THE CALIFORNIA COURTS TO APPEAL INMATES CASES ON APPEAL.

LASTLY, APPEALANT REALIZES THAT THE ABOVE PROBLEMS ARE BECAUSE SOME INMATES WHO ARE SUPPOSE TO PASS THROUGH SAID 13 WALL GATE TO GO TO SCHOOL, ARE NOT GOING TO SCHOOL, BUT INSTEAD GOING TO THE LIBRARY AND OVERCROWDING THE LIBRARY, KEEPING INMATES WITH APPEALS IN PROGRESS FROM DOING LEGAL WORK. APPEALANT SUBMITS THAT THE ABOVE IS NOT A SOLUTION TO THE PROBLEM, BUT WHAT IS A SOLUTION IS: TO LET ALL INMATES GO TO THEIR ASIGNED DESTINATIONS, AND SINCE 13 WALL GATE HAS A LIST CHECKED OFF OF THE INMATES THAT ARE EDUCATED TO GO TO SCHOOL, ALL THE OFFICER HAS TO DO IS WAIT THIRTY MINUTES, AND CALL THE SCHOOL TO SEE WHICH INMATES I.D. ARE AT THE SCHOOL FRONT DESK, AND WRITE 115 OR 128 ON INMATES WHO DID NOT SHOW UP AT THE SCHOOL, AND WORD WILL GET AROUND THAT 115 ARE BEING WRITTEN IF THEY DO NOT GO TO SCHOOL. END OF CHAOS, AND THE END OF VIOLATING ALL INMATES RIGHTS, NAMELY: CALIFORNIA CODE OF REGULATION TITLE 15 SECTION 3165 (a.), (b.), (c.) and (d.) ALONG WITH THE UNITED STATES CONSTITUTION FOURTEENTH AMENDMENT "DUE PROCESS OF LAW" RIGHTS. ALSO SEE: PLATA VS. SCHWARZENEGGER FOR OVERCROWDING ISSUES. FURTHER SEE: ATTACHMENTS B-1. AND C-1, WHICH APPEALS COORDINATOR OFFICE RECEIVED ON AUG 22, 2001 AND REFUSED TO RESPOND AT INFORMAL LEVEL AND ASIGN A LSC NUMBER.

LEGAL & REGULAR LIBRARY PROCEDURES

EFFECTIVE DATE: JUNE 02, 2008

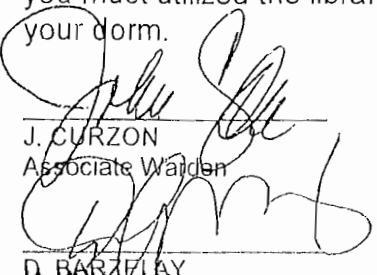
DORM #	WEEK DAY
Dorm #1	** Monday
Dorm #2	Tuesday
Dorm #3	Wednesday
Dorm #4	Thursday
Dorm #5	Friday
OPEN-LINE	Saturday
** Monday holidays are to be determined	

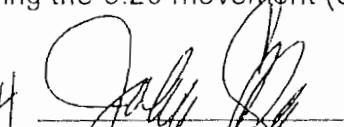
Library sign up will be taken at 9:45 hours Monday through Friday, on a first come, first serve basis. Give your I.D. Card to the 13-Wall Gate Officer and wait along the fence besides Dorm #4. You may start to line up between 9:15 to 9:45. Once you are in line, do not leave. If you do leave, pick up your I.D. Card from the gate officer. *Dorm #1 must sign up only with your Dorm #1 Officer on Mondays at 9:45.

- 1) If the gate officer does not have your I.D. in advance, you will not be allowed to sign up until last.
- 2) No holding spaces for other inmates.
- 3) No visiting from others not signing up.
- 4) No cutting in line will be permitted. If you do cut, you will lose library for the day.
- 5) You must be dressed in **State Blues**, (shirt & pants), and have your I.D. Card with you to sign up for the library
- 6) Come back to the 13 Wall Gate at 12:45 to go to the library.
- 7) Inmates will be randomly escorted directly to the law library, at the discretion of custody staff.
- 8) Only 15 inmates maximum on each day (combined Legal & Regular). The occupancy level is determined by the State Fire Marshal.

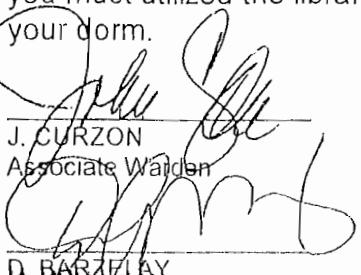
Note:

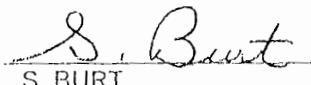
If you have to use the Legal Law Library because you have an assigned legal deadline date, you must utilized the library during the 6:20 movement (evenings), or on the assigned day for your dorm.


J. CURZON
Associate Warden


D. DORSEY
Facility Captain (A)


R. ESCALERA
Program Lieutenant


D. BARAFAY


S. BURT
Correctional Officer

1 attachment D-1.; and have continued since the signing date
2 of this appeal, 05-30-08, and from appellant's signing date
3 of said appeals' formal level, 06-26-08, appellant has
4 not been allowed one minute in said library by order given
5 by H-unit administration and A.W. Curzon. Reasons
6 said order were given are as follows:

- 7 1) On 06-18-08, 'one' intoxicated Indian man and 'one' intoxicated
8 white man fought. H-unit administration officer ordered
9 modified program for 'all' H-unit Indian and white inmates.
- 10 2) On 06-20-08, or - about 1400 hours, 'two' black men fought
11 in H-unit dorm 3, said administration ordered modified programs
12 for 'all' H-unit Indian, white and black inmates.
- 13 3) On 06-23-08 all H-unit on modified program were released
14 and canteen began, until 1345 hours, when 'two' black men
15 fought in H-unit dorm 2, said administration ordered
16 modified program for 'all' Indian, white and black inmates.
17 on none of the above dates were H-unit 'Paisa' inmates
18 included in said modified programs, and on all of above
19 dates H-unit library and law library access privileges
20 were canceled.
- 21 4) On 06-24-08 and 06-25-08, said administration officer
22 canceled 'all' library privileges to 'all' H-unit inmates.
23 reason given, 'construction on the upper yard', even though
24 said library remained open to north block inmates.
- 25 5) On 06-26-08 at 900 hours, just five minutes before
26 945 hours, 'illegal' library "pass" system sign-up
27 time, said administration officer ordered modified
28 program for 'all' H-unit inmates, reason given, 'Air quality',
even though north block inmates upper yard and library remained
open.

This is further proof of said administration violating said
rights of appellant library privileges and freedom of
movement within Prison system and attend programs.

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region	Log No.	Category
1. _____	1. _____	10
2. _____	2. _____	

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Dell, Marc	E-06395	Furnisher Assembling	5-H-760

A. Describe Problem: California Code of Regulations Title-15, Section 3165(a),(b),(c),(d), and the United States of America Constitutional Law governing Prisoners access to legal materials while on appeal of their case. In the following text abbreviations will be as follow; Lt. for Lieutenant, Capt. for Captain, Serg. for Sergeant, C.O. for Correctional Officer, See F-1. for See Footnote 1., L.L. for San Quentin State Prison Law Library, 13 WG for San Quentin State Prison 13 Wall Gate and Mac Shack for San Quentin State Prison Mac Shack.

The following withdraws my access to L.L.; The LIBRARY PROCEDURES directive memorandum, that states, the days H-Unit Dorms will go to L.L. or Library are: DORM-1 MONDAY, DORM-2
If you need more space, attach one additional sheet.

SEE ATTACHMENT A1:

B. Action Requested: All privileges outlined in memorandum, log no. sq 07-02245 to be followed for H-Unit inmates. Further, the pass system to be used for lock down, along with the p.l.u. list. Also, that H-unit inmates to be allowed to go to library Monday thru Friday and Sat. at opening time, and C.O. Jackson to be reasigned for threatening behavior to inmates.

Inmate/Parolee Signature: *Dan J. Tai*

Date Submitted: 08-17-2007

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

ATTN 6-2

ATTACHMENT A1; TUESDAY, DORM-3 WENSDAY, DORM-4 THURSDAY, DORM-5 FRIDAY, OPEN LINE SATUR. L.L. pass sign up Monday thru Friday at 945 am, pick up L.L. pass at 1245 pm. This is in violation of SEE F-1. Futher violations are found in the PRIORITY LEGAL USE LIST, which was suppose to be used only during a modified program or lock down situation, which only 13WG has used for two years for H-Unit inmates only to have any kind of access to L.L., SEE F-1.

On or about 02-10-2007 to the present date of 08-17-2007, at least 15 times 13 WG has used the excuse that the L.L. did not send them the PRIORITY LEGAL USE LIST AND CANCELLED ALL INMATES IN H-Unit access to L.L. in violation of: SEE F-1.

Futher on 07-27-2007 12 WG C.O. Trujoit at 1200 hours refused to give to me a L.L.pass, stating, 'you were not here at 945 to sign up for it'. This is in violation of: SEE F-1.

ON 08-10-2007 at 1200 hours at 13 WG C.O. Aragon refused to give me a L.L. pass, stating, 'you were not here at 945 to sign up for it'. I went through 13 WG to speak to C.O. Jackson at the Mac Shack to ask him if I needed a L.L. pass, I was with inmate Darrel Goldstein. C.O. Jackson said, 'Yes yo do, and you also need to be on the P.L.U. list'. Mr. Goldstein said, he would go to the library and get a copy of the P.L.U. list , which he did, and gave it to C.O. Jackson, who after holding it in front of my face said, 'as long as the person in the top right hand corner signs it (signed Charllye) I will not recognize it', he then tore it in half and threw it in the trash, and told me to leave. I then spoke to Capt. William about C.O. Aragon and C.O. Jackson statements in front of Serg. Lee, the result being that Capt. Williams ordered Serg. Lee to tell 13 WG to give to me said pass. He then read from a report on hid desk that said,'L.L. passes and P.L.U. list are to be used only during a lock down as emergency only'. If an inmate is on MAIN LINE then they have a right to go to the library why is that so hard to understand. Serg. Lee got me the pass, and I relayed what Capt. Williams said to Serg. Lee and myself. C.O. Jackson said, 'you go back and tell Capt. Williams to call me, I've been using the pass system for two years and its not gonna stop'. I relayed this statement to Capt. Williams, and he said that he would be calling C.O. Jackson. At this time it was to late to go to the L.L. so I went back to my dorm. This is in violation of: SEE F-1

On 08-11-2007, still demanded said pass at 13 WG, and Mac Shack. On 08-15-2007 at 620pm, C.O. Welsh made all H-unit inmates wait until 650pm to sign up for L.L. pass. On 08-07-2007 C.O. Welsh again was not delivered L.L. list so he cancelled all L.L. privileges. On 08-17-2007 C.O. Aragon refused to give me a L.L. pass at 1100 hours. Serg. Marenio called 13 WG to tell them to give mr said pass, C.O. Aragon demanded to see a memo. I gave him the memo that Serg. Marenio gave to me, and he said it made no sense, and refused me said pass. I went to the Mac Shack and spoke to C.O. Jackson, and asked him if I needed a pass, and he said : and if you try to sneak pass here again I will slap you. get out of here. I mentioned this Capt. Williams. Again I did not go to the L.L. This is in violation of: SEE F-1.

FOOTNOTE 1. : An administrative regulation has the force of law, and is binding on the issuing agency. United States v. Nixon, (1974) 418 U.S. 683, 695-696 (94 L. Ed 2nd 131); Atkins v. Rivera, (1986) 744 U.S. 154 (106 S. Ct. 2456; 91 L. Ed. 2nd 131) An inmate has a right to expect prison officials to follow its policies and regulations. Call all the

State of California

Department of Corrections and Rehabilitation
San Quentin State Prison



Memorandum

07/25/2007 10:00 AM

Date : July 25, 2007

To : ALL H-UNIT INMATES

From : California State Prison, San Quentin CA 94964

Subject : 3RD WATCH LAW LIBRARY ACCESS PROCEDURE

I would like to make you aware of the procedure for inmates not on the Priority Legal User, for accessing the law library on 3rd watch.

Inmates wishing to use the law library on 3rd watch for none priority matters will report to 13 wall gate. They will be issued a law library pass by the 13 wall gate officer which will allow them to go to the law library. The 13 wall gate officer will notify custody staff on the upper yard and law library staff of the inmates that are going to the law library. Failure to report to the law library will result in a CDC-115.

K. J. Williams
Correctional Captain
Outside Facilities Unit

ATTY G-2

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: August 16, 2007

To: INMATE, Haskin, B96040
California State Prison, San Quentin

Subject: FIRST LEVEL APPEAL RESPONSE
LOG NO.: SQ 07- 02245

APPEAL ISSUE: Access to Main Law Library by H Unit inmates.

ISSUE:

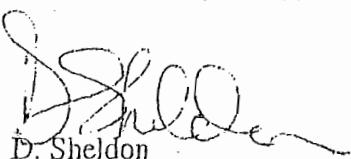
The Main Law Library is open to Main Line inmates (Priority Legal Users and otherwise) during normal Main Line operational hours and as institutional program allows.

D. Sheldon, Vice Principal, interviewed you concerning this appeal on August 16, 2007. Ms. Sheldon explained to you that the Main Law Library is open to H Unit inmates during normal Main Line operational hours and as institutional program allows. (See attached).

DECISION:

Based on the above review, appellant's appeal is granted.

If you are dissatisfied with this decision, you may appeal to the next level by following the instructions on your appeal form.


D. Sheldon
Vice Principal

Mark E O'Dell
COC NO. F-06385
S.O. S.P.
San Quentin, CA, USA

Clerk for the United States District Court
of the Northern District of California
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